

REMARKS

This application has been reviewed in light of the Office Action dated July 6, 2007. Claim 1 remains pending in this application, is in independent form, and has been amended to define still more clearly what Applicant regards as the invention. Claims 2-17 have been canceled, without prejudice or disclaimer of subject matter. Favorable reconsideration is requested.

Claims 14-17 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Cancellation of Claims 14-17 renders their rejection moot.

Claims 1-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Yamane* (U.S. Patent No. 6,393,196) .

First, cancellation of Claims 2-17 renders their rejection moot.

Claim 1 is directed to an image data recording apparatus, including coding means, buffer occupation amount detection means, storing means, code amount control means, recording means, and reproducing means. The coding means encodes image data using a buffer memory. The buffer occupation amount detection means detects, upon coding by the coding means, a code amount of the image data occupying the buffer memory, and outputs buffer information related to the detected code amount of the image data. The storing means stores the buffer information output by the buffer occupation amount detection means. The code amount control means controls a coding rate of the coding means so that the code amount of the image data occupying the buffer memory does not exceed a predetermined range. The recording means records the coded image data and

the buffer information on a recording medium, and the reproducing means reproduces the encoded image data and the buffer information from the recording medium.

The code amount control means (1) controls, in a first scene-sequence recording mode in which the recording by the recording means is temporarily stopped and then the recording to the same recording medium is restarted, the coding rate of the image data at restart of the recording based on the buffer information stored by the storing means at the time when the recording was temporarily stopped, and (2) controls, in a second scene-sequence recording mode in which the recording medium is newly attached to the image data recording apparatus and the recording is started from a recording start position of the recording medium, the coding rate at start of the recording based on the buffer information recorded in the position immediately before the start position of the recording medium and obtained by the reproducing means.

*Yamane*, as understood by Applicant, relates to a multimedia stream generating method enabling alternative reproduction of video data. *Yamane* further relates to a multimedia optical disk authoring system.

Among other notable features of Claim 1 are controlling a coding rate of encoding means based on buffer information relating to a code amount of image data occupying a buffer memory as well as recording the buffer information together with the coded image data on a recording medium. Furthermore, in the apparatus of Claim 1, the recorded buffer information is reproduced to control the coding rate of the encoding means.

*Yamane* is silent as to these features. Further, *Yamane* also does not teach or suggest a first scene-sequence recording mode and a second scene-sequence recording mode as recited in Claim 1.

Nothing in *Yamane* would teach or suggest “controlling a coding rate of said coding means so that the code amount of the image data occupying the buffer memory does not exceed a predetermined range,” “recording the coded image data and the buffer information on a recording medium,” and “reproducing the encoded image data and the buffer information from the recording medium,” as recited in Claim 1.

Further, nothing in *Yamane* would teach or suggest controlling a first scene-sequence recording mode and a second scene-sequence recording mode as recited in Claim 1.

Accordingly, Claim 1 is believed to be patentable over *Yamane*.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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